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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,680	08/30/2000	Anil K. Goyal	410093.401	2023
22504	7590	08/02/2005	EXAMINER	
DAVIS WRIGHT TREMAINE, LLP 2600 CENTURY SQUARE 1501 FOURTH AVENUE SEATTLE, WA 98101-1688			PASS, NATALIE	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/651,680

Applicant(s)

GOYAL, ANIL K.

Examiner

Natalie A. Pass

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 27 January 2005. Claims 1-19 have been cancelled. Claims 20-27 have been amended. Claims 28-44 have been newly added. Claims 20-44 remain pending.

Specification

2. The objection to the specification under 35 U.S.C. 132 is hereby withdrawn due to the amendment filed 27 January 2005.

Claim Rejections - 35 USC § 112

3. The rejection of claims 1- 27 under 35 U.S.C. 112, first paragraph is hereby withdrawn due to the amendment filed 27 January 2005.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Sloo, U.S. Patent Number 5, 895, 450 for substantially the same reasons given in the previous Office Action (paper number 09152004). Further reasons appear below.

(A) Claim 20 has been amended to recite:

- ♦ "consumer reporting service" on line 4;
- ♦ "a plurality of user computers operated by data inputting users" on lines 5-6;
- ♦ "each of the user computers configured to communicate to permit data inputting user selection of an entity from among a plurality of entities" on lines 6-8;
- ♦ "the data inputting users to the consumer reporting service" on lines 12-13; and
- ♦ "contributions in the positive rating category for each of the data inputting user-selected entities and the value of the monetary contributions in the negative rating category for each of the data inputting user-selected entities " on lines 15-18;

As per these new limitations, Sloo teaches a system for consumer reporting on a computer network s as analyzed and disclosed in the previous Office Action (paper number 09152004), the system comprising:

- a consumer reporting service (Sloo; column 1, lines 25-32, column 14, lines 45-60);
- a plurality of user computers operated by data inputting users (Sloo; Figure 1, column 1, lines 25-32, column 2, line 65 to column 3, line 7, column 14, lines 45-60);
- each of the user computers configured to communicate to permit data inputting user selection of an entity from among a plurality of entities (Sloo; Figure 1, column 1, lines 25-32, column 2, line 65 to column 3, line 7, column 14, lines 45-60);

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to permit a monetary payment (reads on “contribution”) from the data inputting users to the “middleman” (reads on “consumer reporting service”) (Sloo; column 14, lines 45-60, column 16, lines 2-3, column 18, lines 1-6); and

a data structure associated with the server to “maintain records on recorded objects updated over time” reads on “store data related to a value of the monetary contributions in the positive rating category for each of the data inputting user-selected entities and the value of the monetary contributions in the negative rating category for each of the data inputting user-selected entities”) (Sloo; column 14, lines 45-60, column 16, lines 2-3, column 18, lines 1-6, 16-30).

The remainder of claim 20 is rejected for the same reasons given in the prior Office Action (paper number 09152004, section 7, pages 4-10), and incorporated herein.

(B) The amendments to claims 21-24 appear to have been made merely to correct minor typographical or grammatical errors. While these changes render the language of the claims smoother and more consistent, they otherwise affect neither the scope and breadth of the claims as originally presented nor the manner in which the claims were interpreted by the Examiner when applying prior art within the previous Office Action.

As such, the recited claimed features are rejected for the same reasons given in the prior Office Action (paper number 09152004, section 7, pages 4-10), and incorporated herein.

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo, U.S.

Patent Number 5, 895, 450 as applied to claims 20 and 23 above and further in view of

COMPUTER CRIMES AND THE *RESPONDEAT SUPERIOR* DOCTRINE: *EMPLOYERS*

BEWARE! Article, by M. Ishman, Spring 2000, URLs:

<http://www.ishmanlaw.com/resources/Respondeat_Superior.pdf>,

<<http://www.bu.edu/law/scitech/volume6/Ishman.htm>>, and

<<http://www.bu.edu/law/scitech/OLJ6.htm>>, hereinafter known as Ishman for substantially the same reasons given in the previous Office Action (paper number 09152004). Further reasons appear below.

(A) The amendments to claims 25-26 appear to have been made merely to correct minor typographical or grammatical errors. While these changes render the language of the claims smoother and more consistent, they otherwise affect neither the scope nor the breadth of the claims as originally presented nor the manner in which the claims were interpreted by the Examiner when applying prior art within the previous Office Action.

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As such, the recited claimed features are rejected for the same reasons given in the prior Office Action (paper number 09152004, section 9, pages 11-12), and incorporated herein.

The remainder of claims 25-26 is rejected for the same reasons given in the prior Office Action (paper number 09152004, section 9, pages 11-12), and incorporated herein.

The motivations for combining the respective teachings of Sloo and Ishman are as given in the rejection of claim 25 in the prior Office Action (paper number 09152004) and incorporated herein.

8. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo, U.S. Patent Number 5, 895, 450 and *COMPUTER CRIMES AND THE RESPONDEAT SUPERIOR DOCTRINE: EMPLOYERS BEWARE!* Article, by M. Ishman, Spring 2000, URLs: http://www.ishmanlaw.com/resources/Respondeat_Superior.pdf, <http://www.bu.edu/law/scitech/volume6/Ishman.htm>, and <http://www.bu.edu/law/scitech/OLJ6.htm>, hereinafter known as Ishman, as applied to claim 26 above, and further in view of Official Notice for substantially the same reasons given in the previous Office Action (paper number 09152004). Further reasons appear below..

(A) The amendments to claim 27 appear to have been made merely to correct minor typographical or grammatical errors. While these changes render the language of the claims smoother and more consistent, they otherwise affect neither the scope nor the breadth of the claims as originally presented nor the manner in which the claims were interpreted by the Examiner when applying prior art within the previous Office Action.

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As such, the recited claimed features are rejected for the same reasons given in the prior Office Action (paper number 09152004, section 10, pages13-14), and incorporated herein.

The remainder of claim 27 is rejected for the same reasons given in the prior Office Action (paper number 09152004, section 10, pages13-14), and incorporated herein.

The motivations for combining the respective teachings of Sloo and Ishman and Official Notice are as given in the rejection of claim 27 In the prior Office Action (paper number 09152004) and incorporated herein.

9. Claims 28-31, 37-40, 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod, et al., U.S. Patent Number 6, 574, 608 in view of Lauffer, U.S. Patent Number 6, 223, 165.

(A) As per newly added claim 28, Dahod teaches a method for consumer recording and publicly reporting monetary commentary using a commentary reporting service, the method comprising:

receiving an entity selecting electronic communication from each of a plurality of data inputting users different from the commentary reporting service, the entity selecting communication being used to select an entity from a plurality of entities different from the commentary reporting service and the user (Dahod; column 4, line 65 to column 5, line 22, column 5, lines 39-40);

for each of the data inputting users:

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providing “buyer reputation information” (reads on “a positive rating category and a negative rating category for the data inputting user-selected entity”) (Dahod; Figure 8, Item 254, , column 6, lines 9-10); and

receiving user input from the data inputting user to select either the positive rating category or the negative rating category for the data inputting user-selected entity (Dahod; column 6, lines 10-18);

using “information entered by the user” (Dahod; column 5, lines 18-19) (reads on “monetary contributions”) and rating category selection of the data inputting user for building a “listing” (Dahod; column 6, lines 17-18) (reads on “monetary commentary”) of data inputting user satisfaction or dissatisfaction with the data inputting user-selected entity based upon the “information entered by the user” (Dahod; column 5, lines 18-19) (reads on “monetary contributions associated with the positive rating category and the contributions associated with the negative rating category by the plurality of data inputting users” for building the reputation of the data inputting user-selected entity up or down (Dahod; column 5, line 62 to column 6, line 16);

in a computer associated with the commentary reporting service, storing data related to monetary commentary for the data inputting user-selected entity (Dahod; column 5, lines 18-22, 56-57, column 6, lines 16-17);

receiving an electronic communication from a data reviewing user to select an entity from among the plurality of entities (Dahod; column 4, lines 42-45, 65-67);

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in response to the electronic communication from the data reviewing user, retrieving stored “responses posted”(Dahod; column 5, lines 20-22) (reads on “monetary commentary data related to the data reviewing user-selected entity”); and

indicating the “responses posted”(Dahod; column 5, lines 20-22) (reads on “monetary commentary data”) related to the data reviewing user-selected entity.

Dahod fails to explicitly disclose receiving a monetary contribution to the commentary reporting service from the data inputting user in an amount selected by the data inputting user.

However, the above features are well-known in the art, as evidenced by Lauffer.

In particular, Lauffer teaches receiving a monetary contribution to the commentary reporting service from the data inputting user in an amount selected by the data inputting user (Lauffer; column 8, lines 1-52).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Dahod to include receiving a monetary contribution to the commentary reporting service from the data inputting user in an amount selected by the data inputting user, as taught by Lauffer, with the motivations of providing a new form of information company which rapidly facilitates the matching of and connection between consumers and experts (i.e. buyers and sellers of services) (Lauffer; column 4, lines 35-38).

(B) As per newly added claims 29-31, Dahod and Lauffer teach a method as analyzed and discussed in claim 28 above

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wherein receiving the entity selecting electronic communication comprises receiving the entity selecting electronic communication via a computer network (Dahod; column 4, lines 39-45);

wherein receiving the entity selecting electronic communication comprises receiving the entity selecting electronic communication via a telephone network (Dahod; column 7, lines 14-16);

wherein receiving the monetary contribution comprises receiving credit card information from the data inputting user (Dahod; column 6, lines 24-26).

(C) Newly added claims 37-40 differ from newly added claims 28-31 by reciting “to thereby indicate the data inputting user’s evaluation of the selected entity” in claim 37, line 9. Dahod, and Lauffer clearly disclose this limitation in that Dahod teaches user indicating satisfaction or dissatisfaction with the data inputting user-selected entity based upon the “information entered by the user” (Dahod; column 5, lines 18-19, column 5, line 63 to column 6, line 17) and Lauffer teaches “[u]nique payment systems and methods used by the [... new form of information company...] Advice Router include but are not limited to the following... [...] ... optimized to meet consumer and expert [i.e. buyer and seller] expectations” (Lauffer; column 8, lines 24-47). The remainder of claims 37-40 repeat the limitations of claim 28, and is therefore rejected for the same reasons given above for claim 28.

The motivations for combining the respective teachings of Dahod, and Lauffer are as given in the rejection of claims 28-31 above, and incorporated herein.

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(D) Newly added claims 42-43 differ from claims 28, 31 by reciting a “computer network implemented...” in the preamble of claim 42. As per this limitation, Dahod clearly discloses his invention to be implemented on a computer network (Dahod; column 3, lines 63-67). The remainder of claims 42-43 repeats the subject matter of claims 28, 31, and is therefore rejected for the same reasons given above for claims 28, 31.

The motivations for combining the respective teachings of Dahod, and Lauffer are as given in the rejection of claim 28 above, and incorporated herein.

(C) As per newly added claim 44, Dahod and Lauffer teach a method as analyzed and discussed in claim 42 above

further comprising generating graphical data related to the monetary contributions for the positive rating category and the monetary contributions for the negative rating category wherein the monetary commentary data comprises the graphical data (Lauffer; column 6, lines 38-40, 53-55).

10. Claims 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod, et al., U.S. Patent Number 6, 574, 608 in view of Lauffer, U.S. Patent Number 6, 223, 165 as applied to claim 28 above, and further in view of Vig, U.S. Patent Number 6, 038, 554.

(A) As per newly added claim 32, Dahod and Lauffer teach a method as analyzed and discussed in claim 28 above.

Dahod and Lauffer fail to explicitly disclose a method

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further comprising performing statistical analysis of the monetary contributions for the positive rating category and the monetary contributions for the negative rating category wherein the monetary commentary data comprises statistical data.

However, the above features are well-known in the art, as evidenced by Vig.

In particular, Vig a method further comprising performing statistical analysis of the monetary contributions for the positive rating category and the monetary contributions for the negative rating category wherein the monetary commentary data comprises statistical data (Vig; Figure 4, Abstract, column 48, line 60 to column 49, line 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Dahod and Lauffer to include performing statistical analysis of the monetary contributions for the positive rating category and the monetary contributions for the negative rating category wherein the monetary commentary data comprises statistical data., as taught by Vig, with the motivations of drawing scientifically valid conclusions about surveying a constantly and factually representative community and to empower a prospective trader objectively to compare the contemporary monetary values of any and all competing units (Vig; Abstract).

The motivations for combining the respective teachings of Dahod and Lauffer are as given in the rejection of claim 28 above, and incorporated herein

(B) As per newly added claims 33-36, 41, Dahod, Lauffer and Vig teach a method as analyzed and discussed in claim 32 above

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further comprising calculating an average value of monetary contribution for the positive rating category and an average value of monetary contribution for the negative rating category wherein the monetary commentary data comprises average contribution data (Vig; Figure 4, Abstract, column 48, line 60 to column 49, line 4);

further comprising calculating a minimum and a maximum value of monetary contribution for the positive rating category and a minimum and a maximum value of monetary contribution for the negative rating category wherein the monetary commentary data comprises minimum and maximum contribution data (Vig; column 18, lines 1-39).

further comprising calculating a total number of monetary contributions for the positive rating category and a total number of monetary contributions for the negative rating category wherein the monetary commentary data comprises total contribution data (Vig; Figure 4, Abstract, column 18, lines 1-39, column 48, line 60 to column 49, line 4); and

further comprising generating graphical data related to the monetary contributions for the positive rating category and the monetary contributions for the negative rating category wherein the monetary commentary data comprises the graphical data (Vig; Figure 5, column 64, lines 1-14).

The motivations for combining the respective teachings of Dahod, Lauffer and Vig are as given in the rejections of claims 28 and 32 above, and incorporated herein

Response to Arguments

11. Applicant's arguments on pages 11-14 of the response filed 27 January 2005 with respect to newly added claims 28-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied references, Dahod et al (US-6,574, 608), Lauffer (US-6,223,165), Vig (US-6,038,554), Zacharia, et al. (US-2002/0138402), Rebane (US-6,711,581), Foth et al. (US-6,839,690), Rao et al (US-6,865,261), Nagler et al (US-2001/0039508) teach the environment of evaluating and rating entities.

13. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. **Any response to this final action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks
Washington D.C. 20231

or faxed to: (703) 305-7687.

For formal communications, please mark
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For informal or draft communications, please label
"PROPOSED" or "DRAFT" on the front page of the
communication and do NOT sign the communication.

After Final communications should be labeled "Box AF."


15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (571) 272-6774. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (571) 272-3600.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Natalie A. Pass

June 27, 2005


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600